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Attorneys for Defendant County of Kern

UNITED STATES DISTRICT COURT
EASTERN DISTRICT COURT OF CALIFORNIA

Minors H.C. and A.C., as successors in)	Case No. 1:21-cv-00142-JLT-BAK (SAB)
interest to GRACIANO CEBALLOS, by)	
and through their Guardian Ad Litem)	STIPULATION AND ORDER TO AMEND
DOLORES HERNANDEZ; ASHLEY)	THE SCHEDULING ORDER
CEBALLOS; EMMA CEBALLOS; and)	Pre-Trial Conf. Date: Jan. 5, 2023
EDWARD CEBALLOS,)	Trial date: None set
)	
Plaintiffs,)	
)	
vs.)	
)	
COUNTY OF KERN, DEPUTY KOLTE)	
PAXSON; SGT. ADRIAN OLMOS;)	
DEPUTY BRYAN EIDENSHINK SR.;)	
DEPUTY NATHAN PUCILOWSKY;)	
DEPUTY DWAYNE PERKINS; DEPUTY)	
JESSICA ZAVALA and DOES 1 through)	
10, inclusive,)	
Defendants.)	

BY AND BETWEEN THE PARTIES TO THIS ACTION, THROUGH THEIR COUNSEL
OF RECORD:

This stipulation is entered into by and between the plaintiffs and the defendants, by and through their respective counsel, to modify the Scheduling Order in this matter, by continuing all dates by approximately 60 days.

1. The parties have engaged in written discovery and have taken percipient witness depositions;

2. Counsel for the parties began discussing a resolution of this matter in December of 2021;

3. As a result of these settlement discussions, counsel agreed to cancel depositions which were previously on calendar for February of 2022;

4. Counsel for the plaintiff has encountered difficulty in reaching their clients to discuss the proposed resolution of this matter, despite due diligence;

5. Counsel wish to continue current scheduling order as set forth below, in order to give the parties time to resolve this matter, without engaging in unnecessary time and expense of discovery;

6. The parties have previously requested one amendment of the scheduling order.

Based on the forgoing the parties agree through counsel that good cause exists to amend the scheduling order as follows:

<u>Deadline</u>	<u>Currently</u>	<u>Proposed</u>
Discovery cut off:	3/28/22	8/29/22
Expert Disclosure:	4/14/22	9/12/22
Supp. Expert Disclosure:	4/28/22	10/16/22
Expert Discovery Cut Off:	5/30/22	11/7/22
Non Dispositive Motion Filing:	6/14/22	11/21/22
Non Dispositive Motion Hearing:	7/15/22	12/19/22
Dispositive Motion Filing:	7/29/22	1/16/23
Dispositive Motion Hearing:	9/5/22	2/13/23
Pre-Trial Conference Date:	1/5/23	3/27/23
<i>(No trial date set)</i>		

Dated: March 16, 2022

MARGO A. RAISON, COUNTY COUNSEL

By: /s/ Kathleen Rivera

Kathleen Rivera, Deputy
Attorneys for Defendants

1 Dated: March 16, 2022

GUIZAR, HENDERSON & CARRAZCO, L.L.P.

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3 By: /s/ Christian Contreras

4 Christian Contreras,

5 Attorneys for Plaintiffs
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DECLARATION OF KATHLEEN RIVERA

I, KATHLEEN RIVERA, declare as follows:

1. I am the attorney assigned to this matter for the County of Kern. I am licensed to practice law in the State of California and the United States Eastern District Court.

2. I am thoroughly familiar with the facts as contained in this Declaration, and if called upon as a witness, I could and would competently testify to the matters set forth herein.

3. This case concerns the death of Graciano Ceballos, which occurred during his interaction with multiple Kern County Sheriff Deputies.

4. Pursuant to the scheduling order in this case (Doc. 7), counsel timely exchanged initial disclosures pursuant to F.R.C.P., Rule 26, on or about May 12, 2021.

5. Plaintiffs sent written discovery to defendants on or about February 17, 2021. Defendants responded, and supplemented their responses on or about August 10, 2021.

6. Defendants sent written discovery to plaintiffs, which plaintiffs responded to on or about October 4, 2021.

7. Defendants have obtained all records needed via subpoena from the following: decedent's employer; NMS Labs (for decedent's autopsy toxicology results), and medical records from three providers for plaintiff Emma Ceballos.

8. The parties took the depositions of percipient witnesses in October of 2021;

9. Counsel for the parties began discussing a resolution of this matter in December of 2021;

10. As a result of these settlement discussions, counsel agreed to cancel depositions which were previously on calendar for February of 2022;

11. Counsel for the plaintiff has encountered difficulty in reaching their clients to discuss the proposed resolution of this matter, despite due diligence;

12. Counsel wish to continue current scheduling order as set forth in the attached Stipulation, in order to give the parties time to resolve this matter, without engaging in unnecessary time and expense of discovery;

13. The parties have previously requested one amendment of the scheduling order.

1 I declare under the penalty of perjury under the laws of the United States of America and the
2 State of California that the foregoing is true and correct. Executed:

3 Dated: March 16, 2022

4 /s/ Kathleen Rivera
5 Kathleen Rivera
6 Attorney for Defendants
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ORDER

The court, having found good cause, and according to the Stipulation of counsel, HEREBY ORDERS that the Scheduling Order be Amended as follows:

<u>Deadline</u>	<u>Amended Date:</u>
Discovery cut off:	8/29/2022
Expert Disclosure:	9/12/2022
Supp. Expert Disclosure:	10/16/2022
Expert Discovery Cut Off:	11/7/2022
Non Dispositive Motion Filing:	11/21/2022
Non Dispositive Motion Hearing:	12/19/2022
Dispositive Motion Filing:	1/16/2023
Dispositive Motion Hearing:	2/13/2023
Pre-Trial Conference Date:	3/31/2023

IT IS SO ORDERED.

Dated: March 17, 2022



UNITED STATES MAGISTRATE JUDGE